

DEAN GOWDER  
GARY SILVERMAN  
CHRISTOPHER DOWNEY  
VICTOR GRULLO  
GEOFFREY NICOTTE  
GARY M. GUTTMAN  
MARGARET O'DWYER

STEVEN ARONOFF  
J. P. DELANEY  
PAUL GARCIA  
ROBERT GURNE  
JASON S. FIDMAN  
H. GLADYS T. ORANGA  
ANDREW R. GRABOIS  
RICHARD S. HANCOCK  
LUTHER WROBEL  
JOY K. WU  
DAVID C. GREENLOCH

NICHOLAS E. HARRIS

O'DWYER & BERNSTEIN, LLP

ATTORNEYS AT LAW  
PAUL O'DWYER WAY  
52 DUANE STREET  
NEW YORK, N.Y. 10007  
TEL: 212.512.7100  
FAX: 212.512.7101

PAUL O'DWYER (212) 512-7100  
VICTOR GRULLO (212) 512-7101  
CHRISTOPHER DOWNEY (212) 512-7102

DEAN GOWDER  
GARY SILVERMAN  
CHRISTOPHER DOWNEY  
VICTOR GRULLO  
GEOFFREY NICOTTE  
GARY M. GUTTMAN  
MARGARET O'DWYER

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/19/2010

August 19, 2010

Application GRANTED, and the PTC is adjourned to  
12/1/10 at 2:30pm in Courtroom 20-C

SO ORDERED:

*Paul A. Crotty*  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

VIA FACSIMILE

Honorable Paul A. Crotty  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: The New York City District Council of Carpenters Pension Fund, et al., v.  
Metropolitan Architectural Woodwork LLC, Docket No. 09 CIV-6225 (PAC)

Dear Judge Crotty:

We represent the plaintiffs in the above-referenced matter. This letter is written on behalf of all parties to jointly request an extension of the discovery deadline, and an adjournment of the pre-trial conference. This is the fifth request for an extension. The current discovery deadline is August 27, 2010, and the pre-trial conference is currently scheduled for September 14, 2010.

For the past several months, the parties were actively working towards settlement. As recently as the first week of this month, the parties had reached a settlement in principal and were awaiting finalization of the settlement papers. However, defendant has advised that because it is currently working to resolve other matters which affect its ability to enter into and comply with the terms of the settlement agreement, it cannot enter into the settlement agreement at this time.

While the parties will continue to attempt to reach a settlement, it is clear that discovery, which had been delayed pending settlement negotiations, must proceed expeditiously. Plaintiffs have responded to defendant's discovery requests. To date, defendants have not answered plaintiffs' Initial Set of Interrogatories, responded to plaintiffs' Initial Request for the Production of Documents, or produced their Initial Disclosures.

✓ Counsel for all parties jointly request that the discovery deadline be extended to November 12, 2010, and that the pre-trial conference be adjourned to anytime on November 23, 2010.

MEMO ENDORSED

Hon. Paul A. Crotty  
August 19, 2010  
Page 2

Thank you for your consideration of this request.

Respectfully submitted,



Joy K. Mele

JKM:mt

Cc: Joseph Turzi, Esq. (via facsimile)